

## GOVERNMENT OF ANDHRA PRADESH

### ABSTRACT

Tribal Welfare – East Godavari District – Revision Petition filed Under Section 6 of A.P.S.A.L.T.R 1959, by Smt. V.Veerayamma W/o Late Linga Raju R/o Kamarajupeta (V) Gokavaram (M), East Godavari against the orders of the Additional Agent to Government, East Godavari District in CMA No.4/2004 dt:3-7-2004 – Dismissed – Orders – Issued.

---

### SOCIAL WELFARE (LTR-2) DEPARTMENT

**G.O. Ms.No:** 217

Dated:20-11-2008.

Read the following:

1. From Sri K.Venkatesh, Counsel for the Petitioner in Revision Petition dt:28-3-2005.
2. Government Memo No.3152/LTR-2/2005, dt:19-4-2005.
3. Order of Hon'ble High Court of Andhra Pradesh in W.P No.11529/2005, dt:24-5-2005.
4. From the Project Officer, ITDA & Additional Agent to Government, Rampachodavaram in R.C No.T8/Revision/2007, dt:19-6-2007.
5. Government Memo No.3152/LTR-2/2005, dt:21-8-2007 and 3-9-2007.

\*\*\*

### ORDER:

In the reference 1<sup>st</sup> read above Smt. Sri. V.Veerayamma W/o Late Linga Raju has filed a Revision Petition before the Government against the orders of the Additional Agent to Government in CMA No.4/2004 dt:3-7-2004, in respect of land admeasuring Acres 2.00 in R.S No.41 situated in Nellipudi (V) Gangavaram (M) of East Godavari District. The main grounds of the Appellant in the Revision Petition among others and arguments made by the Counsel are:

- i) The orders of the primary and appellate authorities are not correct in view of the fact that the transfer was effected before Regulation 1/70.
- ii) There is no evidence to the finding that agreement of sale is not genuine.
- iii) The authorities ought to have seen that the agreement of sale entered prior to 3.2.1970 is valid and registration effected subsequently will not attract any prohibited transfer.
- iv) The land was purchased under agreement of sale dt:6-4-1969 i.e. Regulation 1/70 and possession was also given to the husband of the petitioner and the registration was effected subsequently i.e. after Regulation 1/70 came into effect. As the transfer is in between the two non-tribals, the same is valid and legal.

2. The brief history of the case is that a case was initiated by Special Deputy Collector (TW), Rampachodavaram against 1) Sri Dasari Ramayya and 2) Smt. Veeramalla Veerayamma of Nellipudi (V) Gangavaram (M) in respect of land measuring Acres 2.00 in Sy. No.41 of Nellipudi (V) East Godavari.. On perusal of the records, the Special Deputy Collector (TW) held that that the sale agreement dt:6-4-1969 is not corroborating the sale deed dated:9-4-1972, and is a fabricated one made much later to actual sale; that the document 1972 was executed between two non-tribals after commencement of Regulation 1/70 and hence the transaction is null and void under section 3 (1) (a) and that the land purchased by Smt. V.Veerayamma W/o Late Lingaraju is void. The Special Deputy Collector (TW), ordered for ejection of respondents i.e. Dasari Ramayya & Veeramalla Veerayamma and his men from P.S land and for restoration of the same to Government for onward assignment to eligible tribals vide LTRP No.198/2002, dt:25-3-2003. Aggrieved by the order of Special Deputy Collector (TW) filed an appeal before the Additional Agent to Government, Rampachodavaram. The Additional Agent to Government held that the sale agreement is unregistered and brought into service in order to circumvent the tribal protective LTR 1 of 1970; that, since sale agreement is not genuine the subsequent registration of sale after commencement of LTR is also null and void and upheld the orders of the Special Deputy Collector (TW), and ordered for ejection of the Appellant herein viz. Veeramalla Veerayamma and another Non-Tribe from the P.S land and for restoration of the same to the Government for onward assignment to eligible tribes. Vide CMA No.4 of 2004, dated 3-7-2004. Aggrieved by the order of Additional Agent to Government filed a Revision Petition before the Government.

3. In the reference 2<sup>nd</sup> read above the Agent to Government, Rampachodavaram was requested to furnish parawise remarks and case records and the same were furnished in the reference 4<sup>th</sup> read above. After examination of the case records, notices were issued to the concerned to attend the hearing of the Revision Petition on 31-8-2007, and was finally heard on 17-9-2007. The petitioner was absent and his counsel Sri M.Babji was present. The Counsel submitted written arguments on 19-9-2007.

4. Government after examination of the records of the Lower Court and appellate Court found that:-

- i) As per sale deed 1923/65, dt.9-8-65, Alamanda Lovaraju S/o Jogayya sold PS land of Ac.2.00 in S.No.41 of Nellipudi (V) of Gangavaram Mandal in East Godavari District (out of total extent of Ac.15.17) to Dasari Ammaji W/o Narayana Rao for Rs.2,000/-.
- ii) As per sada sale agreement dt.6-4-1969 executed Dasari Ammaji and Veeramalla Lingaraju was for Rs.2,000/- but recitals show that an amount of Rs.1,000/- given on the day of agreement and the remaining to be paid at the time of registration. As seen from the registered deed No.669/72, dt. 9-4-1972 the sale of PS land of Acres.2.00 in S.No.41 for Rs.2,000/- but the recitals show that Rs.250/- was paid towards discharging of promissory note made by vendor i.e. Dasari Ammaji in favour of Nemala Somaraju and balance 1750/- paid at the time of registration. Hence, the material averments in the sale agreement are not corroborating the sale deed. Thus, the unregistered sale agreement was brought into service only to circumvent the LTR proceedings.
- iii) It was rightly held by the primary and appellate authorities that the transaction between two non-tribals was after Regulation 1/70 came into force which is void as per Section 3 (1) (a).

5. Government, after careful examination of the case records, find no reason to interfere with the Orders of the Addl. Agent to Government Rampachodavaram, East Godavari District in CMA No.4/2004 dt:3-7-2004 and accordingly dismiss the Revision Petition. The stay granted by the Hon'ble High Court of Andhra Pradesh in its W.P No.11529 of 2005 dated:24-5-2005 will become inoperative.

6. The Addl. Agent to Govt. & PO ITDA, Rampachodavaram is requested to take necessary action in the matter.

( BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRAESH )

**A.K.TIGIDI,**

**Prl. Secretary to Government.**

To

The Collector, East Godavari District.

(By RPAD with the following records)

1. CMA No.4/2004 pp1-74

2. LTRP No.198/2 pp1-66

The Addl.Agent to Government & PO ITDA, Rampachodavaram, East Godavari.

The Special Deputy Collector (TW), Rampachodavaram, East Godavari.

The Special Deputy Tahasildar (TW), Gangavaram (M), East Godavari.

Sri K.Venkatesh, Advocate,

H.No.1-1-64/1, Near Sapthagiri theatre,

RTC Cross Roads, Hyderabad.

Smt. V.Veerayamma W/o Late Linga Raju

R/o Kamarajupeta (V) Gokavaram (M), East Godavari.

(Through PO, ITDA, R.C.varam, East Godavari District).

The G.P for SW, High Court of A.P., Hyderabad.

Copy to the P.S to M (TW&RAID).

SF / SC

**// FORWARDED BY ORDER //**

**SECTION OFFICER**